

The Applicant has requested the addition of two new claims that are dependent upon claim 13. The Applicant fully realizes that he is not entitled by right in the Reply to a Final Office Action to these two amendments of additional dependent claims. The Applicant further realizes in not putting these two additional claims in condition for appeal, that a rejection of these claims at this point in the prosecution will lead to their abandonment in the present application. Any amendments which touch the merits of the Application and are requested after final rejection may be admitted which upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier. 37 C.F.R. §1.116 (c) MPEP §714.12; §714.13.

As previously communicated to the Examiner, the Applicant has alleged that he was forced to prosecute this matter pro-se after terminating his relationship with his original patent counsel for a variety of reasons. This termination and self-representation occurred after the original patent counsel had filed a several replies to prior non-final office actions. After this time, due to inured mistrust and a small patent attorney market in northern Nevada, Applicant's domicile, the Applicant, to a surprising degree, tried to undertake a personal understanding of claims language operation and methodologies of drafting same. Despite his heroic efforts, the Applicant failed to understand and instead relied on the previous patent attorney's misinformation on such procedures, those patent rules which prohibit the introduction of new matter into a patent application after it had been filed. Armed with this misunderstanding, the Applicant, in good faith and in due diligence, replied pro-se to a subsequent non-final office action. However his amended claims contained new matter and were properly rejected in the current Final Office Action.

At this point, the Applicant was able to locate and retain present counsel to file the present Reply to the

present May 21, 2003 Final Office Action. As shown above, the Applicant did everything in his power, including attempting to learn claims drafting, in his attempt to successfully prosecute this present matter. **But for** earlier counsel actions/inactions and Applicant's own limitations (which he made a valiant good faith effort to overcome) the above two dependant claim amendments would have been presented prior to the Final Office Action.

These two claims are necessary to give commercial viability to the present patent application. As the Examiner is fully aware, a naked independent claim (claim 13) if violated, trespassed, or infringed by a third party can be invalidated (thus allowing a wrongful third party to escape punishment) if the third party can show prior art for each of the elements of the independent claim. However if there are dependant claims related to the trespassed independent claim, then the invalidation work of the third party infringer becomes much harder for she must find additional prior art to invalidate each and every additional element contained in any related dependent claims.

Both the Department and the Office are very interested in issuing solid commercially viable patents with sufficient patent invalidity defenses (numerous dependant claims). As such, the requested amendments of the two dependant claims, containing matter not earlier brought to the attention of the Examiner, should be seen as necessary.

Additional claim 18 sets forth that the most outward movement of the piston travel is kept within that portion of the cylinder covered by windings. This claim is different from cited prior art of Sasso (sheet 1) and Takara where a portion of the piston protrudes through the bottom of the cylinder during operation or at least a portion of the piston moves out of that portion of the cylinder covered by windings. It is also distinguished from the circular pumps as cited in Mittal, Zimmerman, and others

were the piston fully leaves the portion of the cylinder are covered by windings.

For the above reasons, claim 18 should be approved and placed in condition for issuance.

As for claim 19, it claims at least one permanent magnetic is placed near at least one end of the cylinder without contacting either cylinder or piston. This claimed matter is distinguished by that claimed or taught by the cited art of Sasso and Takara, in that Sasso and Takara relate the placement of the permanent magnet as being a part of the cylinder and/or the piston. In the present invention, the specification teaches the magnet being placed "near an end" of the cylinder. The definition of "near" can mean a position that is in contact with the end of the cylinder or it also means a position close to but not touching the end of the cylinder. The Applicant claim 19 is only claiming that the permanent magnet is located near, but not contacting, the end of the cylinder or a piston thereby distinguishing itself from Sasso and Takara.

For the above reasons, claim 19, along with claims 13 and 18 should be approved and placed in condition for issuance.

With the above amendments and argument, the Applicant believes that it has fully responded to the Examiner's stated rejections. As such, the Applicant respectfully requests that the Examiner, in consideration of the above amendments and argument, rescind his rejections to the above Application and place the Application in position for issuance.

The Applicant thanks the Examiner for his time and effort in this matter.

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By,



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**IN THE UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
PATENTS**

In Re:	Non-Provisional Patent Application of Frank Cordaile
Serial Number:	09/731,637
Filed:	12/07/2000
Title:	Brushless Electric Motor
Examiner:	Judson Jones
Art Group:	2834
Atty. Docket No.:	Dynamic Energy .001

In The Claims
(CLEAN VERSION)

I Claim:

- 1 1. (CANCELLED)
- 1 2. (CANCELLED)
- 1 3. (CANCELLED)
- 1 4. (CANCELLED)
- 1 5. (CANCELLED)
- 1 6. (CANCELLED)
- 1 7. (CANCELLED)
- 1 8. (CANCELLED)
- 1 9. (CANCELLED)
- 1 10. (CANCELLED)
- 1 11. (CANCELLED)
- 1 12. (CANCELLED)
- 1 13. (AMENDED-Third Time). An electric motor comprising a frame work with at least
2 one cylinder, a portion of which is covered with at least two windings, a piston disposed
3 axially concentric within the cylinder of said frame work, a power source for energizing
4 said windings with an electric current which induces said piston to move axially toward
5 the center position of that portion of the cylinder covered by an energized winding, at
6 least one switch for controlling the energy flow in each of the said windings wherein
7 said piston reciprocates based upon the alternate energization of said windings, and
8 exits that portion of said cylinder wrapped by a winding when that winding is not
9 energized during a cycle.

10

14. (CANCELLED)

15. (CANCELLED)

16. (CANCELLED)

17. (CANCELLED)

18. (AMENDED 1st time) An electric motor of claim 13, wherein the most outward movement of the piston travel is kept within that portion of the cylinder covered by windings.

19. (AMENDED 1st time) An electric motor of claim 13, wherein at least one permanent magnet is placed near at least one end of the cylinder so that the permanent magnet is not in physical contact with either the cylinder or piston.